



459055

ORIGINAL
(Red)

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION III
1650 Arch Street
Philadelphia, Pennsylvania 19103-2029

DEC 17 2002

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

General Electric Company
c/o Steven T. Miano, Esq.
Wolf, Block, Schorr and Solis-Cohen LLP
1650 Arch Street, 22nd Floor
Philadelphia, PA 19103-2000

ORIGINAL
(Red)

**Re: Required Submission of Additional Information
Lower Darby Creek Area Superfund Site - Clearview Landfill, Folcroft Landfill,
and Folcroft Landfill Annex**

Dear Steve:

On November 13, 2001, the U.S. Environmental Protection Agency ("EPA") interviewed Richard Conway, an employee of your client, General Electric Company ("GE"), regarding the Lower Darby Creek Area Superfund Site ("Site").

Based on further review of the notes related to Mr. Conway's interview, EPA requests additional information, as set forth in Enclosure F hereto, concerning the Clearview Landfill. Specifically, EPA is seeking to clarify Mr. Conway's account of GE's disposal activity at the landfill in light of apparently contradictory information.

Pursuant to the authority of Section 104(e) of CERCLA, 42 U.S.C. § 9604(e), EPA has the authority to require GE, to furnish all information and documents in its possession, custody or control, or in the possession, custody or control of any of its employees or agents, which concern, refer to, or relate to hazardous substances as defined by Section 101(14) of CERCLA, 42 U.S.C. § 9601(14), pollutants and/or contaminants as defined by Section 101(33) of CERCLA, 42 U.S.C. § 9601(33), which were transported to, stored, treated, or disposed of at the above-referenced Site.

Section 104 of CERCLA authorizes EPA to pursue penalties for failure to comply with that section or for failure to respond adequately to required submissions of information. In addition, providing false, fictitious, or fraudulent statements or representations may subject GE to criminal penalties under 18 U.S.C. § 1001. The information GE provides may be used by EPA in administrative, civil, or criminal proceedings.

GE must respond in writing to this required submission of information within **fifteen (15) calendar days** of its receipt of this letter. The response must be signed by an appropriately authorized corporate official.

If, for any reason, you do not provide all information responsive to this letter, then in GE's answer to EPA it must: (1) describe specifically what was not provided, and (2) provide to EPA an appropriate reason why the information was not provided.

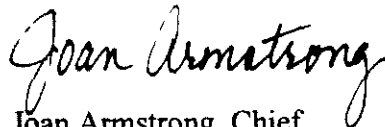
All documents and information should be sent to:

Ms. Carlyn Winter Prisk (3HS11)
U.S. Environmental Protection Agency, Region III
1650 Arch Street
Philadelphia, PA 19103-2029

This required submission of information is not subject to the approval requirements of the Paperwork Reduction Act of 1980, 44 U.S.C. § 3501 et seq.

If you have any questions concerning this matter, please contact Brian Nishitani of EPA's Office of Regional Counsel at (215) 814-2675 or Civil Investigator Carlyn Winter Prisk at (215) 814-2625. To discuss the Site in general or the nature of the cleanup, contact Kristine Matzko, the Remedial Project Manager, at (215) 814-5719.

Sincerely,



Joan Armstrong, Chief
PRP Investigation and
Site Information Section

Enclosures: Enclosure A: Lower Darby Creek Area Site Map
 Enclosure B: Business Confidentiality Claims/Disclosure of Your Response to
 EPA Contractors and Grantees
 Enclosure C: List of Contractors that May Review Your Response
 Enclosure D: Definitions
 Enclosure E: Instructions
 Enclosure F: Questions and Attachments
 Enclosure G: Aerial photograph

cc: Brian Nishitani (3RC44)
 Kristine Matzko (3HS21)
 Craig Olewiler (PADEP -Harrisburg)
 April Flipse (PADEP - Conshohocken)
 David Rifkind, Esq. (General Electric Company)

Enclosure A

Lower Darby Creek Area Site Map

Customer Service Hotline: 1-800-438-2474

Enclosure B

Business Confidentiality Claims

You are entitled to assert a claim of business confidentiality covering any part or all of the submitted information, in the manner described in 40 C.F.R. Part 2, Subpart B. Information subject to a claim of business confidentiality will be made available to the public only in accordance with the procedures set forth in 40 C.F.R. Part 2, Subpart B. If a claim of business confidentiality is not asserted when the information is submitted to EPA, EPA may make this information available to the public without further notice to you. You must clearly mark such claimed information by either stamping or using any other such form of notice that such information is a trade secret, proprietary, or company confidential. To best ensure that your intent is clear, we recommend that you mark as confidential each page containing such claimed information.

Disclosure of Your Response to EPA Contractors and Grantees

EPA may contract with one or more independent contracting firms (See "Enclosure C") to review the documentation, including documents which you claim are confidential business information ("CBI"), which you submit in response to this information request, depending on available agency resources. Additionally, EPA may provide access to this information to (an) individual(s) working under (a) cooperative agreements(s) under the Senior Environmental Employee Program ("SEE Enrollees"). The SEE Program was authorized by the Environmental Programs Assistance Act of 1984 (Pub. L. 98-313). The contractor(s) and/or SEE Enrollee(s) will be filing, organizing, analyzing and/or summarizing the information for EPA personnel. The contractors have signed a contract with EPA that contains a confidentiality clause with respect to CBI that they handle for EPA. The SEE Enrollee(s) is working under a cooperative agreement that contains a provision concerning the treatment and safeguarding of CBI. The individual SEE Enrollee has also signed a confidentiality agreement regarding treatment of CBI. Pursuant to Section 104(e)(7) of CERCLA, 42 U.S.C. Section 9604(e)(7), and EPA's regulations at 40 C.F.R. Section 2.310(h), EPA may share such CBI with EPA's authorized representatives which include contractors and cooperators under the Environmental Programs Assistance Act of 1984. (See 58 Fed.Reg. 7187 (1993)). If you have any objection to disclosure by EPA of documents which you claim are CBI to any or all of the entities listed in Enclosure C, you must notify EPA in writing at the time you submit such documents.

Enclosure C [rev. 05/16/2002]

List of Contractors That May Review Your Response

- Daston Corporation -
Contract #68-S3-01-01
Subcontractor to Daston Corporation is:
Dynamac Corporation
- Tetra Tech EM, Inc. -
Contract #68-S3-0002
Subcontractor to Tetra Tech EM, Inc. is:
Eagle Instruments, Inc.
- Ecology and Environment, Inc. -
Contract #68-S3-0001
Subcontractor to Ecology and
Environment, Inc. is:
S & S Engineers, Inc.
- IT Corporation - Contract #68-S3-00-06
Subcontracts to IT Corporation are:
Weavertown Environmental Group
Environmental Restoration Company
- Earth Tech, Inc. - Contract #68-S3-00-07
Subcontractors to Earth Tech, Inc. are:
Industrial Marine Services, Inc.
Cline Oil
Hertz Equipment Rental
- Guardian Environmental Services, Inc. -
Contract #68-S3-99-04
- ECG Industries, Inc. -
Contract# 68-S3-99-05
Subcontractor to ECG Industries, Inc. is:
Earth Tech, Inc.
- Industrial Marine Services, Inc. -
Contract #68-S3-99-06
Subcontractors to Industrial Marine
Services, Inc. are:
Earth Tech, Inc.
Engineering and Environment, Inc.
- Tetra Tech NUS Inc. -
Contract #68-S6-3003
Subcontractors to Tetra Tech NUS Inc.
are:
Gannett Fleming, Inc.
Dynamic Corporation
C. C. Johnson & Malhotra, P.C.
- CDM-Federal Programs Corporation -
Contract #68-S7-3003
Subcontractors to CDM-Federal
Programs Corporation are:
Tetra Tech EM, Inc.
Robert Kimball & Associates
PMA & Associates
Horne Engineering
Pacific Environmental Services
- Black and Veatch Waste Science and
Technology Corporation/Tetra Tech,
Inc. - Contract #68-S7-3002
- Universe Technologies -
Contract #68-S3-99-02
- Tech Law, Inc. -
Contract #68-W-00-108

List of Cooperative Agreements

- National Association of Hispanic
Elderly - #CQ-822511
- AARP Foundation (Senior
Environmental Employment) -
#824021
#823952

Enclosure D

Definitions

- The term "arrangement" shall mean every separate contract or other agreement or understanding between two or more persons, whether written or oral.
- The term "documents" shall mean writings, photographs, sound or magnetic records, drawings, or other similar things by which information has been preserved and also includes information preserved in a form which must be translated or deciphered by machine in order to be intelligible to humans. Examples of documents include, but are not limited to, electronic mail and other forms of computer communication, drafts, correspondence, memoranda, notes, diaries, statistics, letters, telegrams, minutes, contracts, reports, studies, checks, statements, receipts, summaries, pamphlets, books, invoices, checks, bills of lading, weight receipts, toll receipts, offers, contracts, agreements, deeds, leases, manifests, licenses, permits, bids, proposals, policies of insurance, logs, inter-office and intra-office communications, notations of any conversations (including, without limitation, telephone calls, meetings, and other communications such as e-mail), bulletins, printed matter, computer printouts, invoices, worksheets, graphic or oral records or representations of any kind (including, without limitation, charts, graphs, microfiche, microfilm, videotapes, recordings and motion pictures), electronic, mechanical, magnetic or electric records or representations of any kind (including, without limitation, tapes, cassettes, discs, recordings and computer memories), minutes of meetings, memoranda, notes, calendar or daily entries, agendas, notices, announcements, maps, manuals, brochures, reports of scientific study or investigation, schedules, price lists, data, sample analyses, and laboratory reports.
- The term "hazardous substance" means (a) any substance designated pursuant to section 1321(b)(2)(A) of Title 33 [of the U.S. Code], (b) any element, compound, mixture, solution, or substance designated pursuant to section 9602 of [CERCLA], (c) any hazardous waste having the characteristics identified under or listed pursuant to section 3001 of the Solid Waste Disposal Act (42 U.S.C. Section 6921) (but not including any waste the regulation of which under the Solid Waste Disposal Act (42 U.S.C. Section 6901 et seq.) has been suspended by Act of Congress), (d) any toxic pollutant listed under section 1317(a) of Title 33, (e) any hazardous air pollutant listed under section 112 of the Clean Air Act (42 U.S.C. Section 7412), and (f) any imminently hazardous chemical substance or mixture with respect to which the Administrator has taken action pursuant to section 2606 of Title 15 [of the U.S. Code]. The term does not include petroleum, including crude oil or any fraction thereof which is not otherwise specifically listed or designated as a hazardous substance under subparagraphs (a) through (f) of this paragraph, and the term does not include natural gas, natural gas liquids, liquefied natural gas, or synthetic gas usable for fuel (or mixtures of natural gas and such synthetic gas).
- The term "pollutant or contaminant" shall include, but not be limited to, any element, substance, compound, or mixture, including disease-causing agents, which after release into the environment and upon exposure, ingestion, inhalation, or assimilation into any

organism, either directly from the environment or indirectly by ingestion through food chains, will or may reasonably be anticipated to cause death, disease, behavioral abnormalities, cancer, genetic mutation, physiological malfunctions (including malfunctions in reproduction) or physical deformations in such organisms or their offspring, except that the term "pollutant or contaminant" shall not include petroleum, including crude oil or any fraction thereof which is not otherwise specifically listed or designated as a hazardous substance under CERCLA, and shall not include natural gas, liquefied natural gas, or synthetic gas of pipeline quality (or mixtures of natural gas and such synthetic gas).

- The term "release" means any spilling, leaking, pumping, pouring, emitting, emptying, discharging, injecting, escaping, leaching, dumping, or disposing into the environment (including the abandonment or discarding of barrels, containers, and other closed receptacles containing any hazardous substance or pollutant or contaminant), but excludes (a) any release which results in exposure to persons solely within a workplace, with respect to a claim which such persons may assert against the employer of such persons, (b) emissions from the engine exhaust of a motor vehicle, rolling stock, aircraft, vessel, or pipeline pumping station engine, (c) release of source, byproduct, or special nuclear material from a nuclear incident, as those terms are defined in the Atomic Energy Act of 1954 (42 U.S.C. Section 2011 et seq.), if such release is subject to requirements with respect to financial protection established by the Nuclear Regulatory Commission under section 170 of such Act (42 U.S.C. Section 2210), or, for the purposes of section 9604 of [CERCLA] or any other response action, any release of source, byproduct, or special nuclear material from any processing site designated under sections 7912(a)(1) or 7942(a) of [CERCLA], and (d) the normal application of fertilizer.
- The term "waste" or "wastes" shall mean and include any discarded materials including, but not limited to, trash, garbage, refuse, by-products, solid waste, hazardous waste, hazardous substances, pollutants or contaminants, and discarded or spilled chemicals, whether solid, liquid, or sludge.
- The term "you" when referring to an incorporated entity shall mean and include the incorporated entity and its agents and representatives, including, but not limited to, persons directly authorized to transact business on the entity's behalf such as officers, directors, or partners with which the entity is affiliated, employees, accountants, engineers, or other persons who conduct business on the entity's behalf, as well as affiliated entities, including, but not limited to, partnerships, limited liability companies, divisions, subsidiaries, and holding companies.

Enclosure E

Instructions

1. You are entitled to assert a claim of business confidentiality covering any part or all of the information you submit. If you desire to assert a claim of business confidentiality, please see Enclosure B, *Business Confidentiality Claims/Disclosure of Your Response to EPA Contractors and Grantees*. You must clearly mark such information by either stamping or using any other form of notice that such information is a trade secret, proprietary, or company confidential. To ensure to the greatest extent that your intent is clear, we recommend that you mark as confidential each page containing such claimed information.
2. Please provide a separate, detailed narrative response to each question, and to each subpart of each question, set forth in this Information Request. If you fail to provide a detailed response, EPA may deem your response to be insufficient and thus a failure to comply with this Information Request, which may subject you to penalties.
3. Precede each response with the number of the question or subpart of the question to which it corresponds. For each document or group of documents produced in response to this Information Request, indicate the number of the specific question or subpart of the question to which the document(s) responds.
4. Should you find at any time after submission of your response that any portion of the submitted information is false, misrepresents the truth or is incomplete, you must notify EPA of this fact and provide EPA with a corrected written response.
5. Any terms that are used in this Information Request and/or its Enclosures that are defined in CERCLA shall have the meaning set forth in CERCLA. Definitions of several such terms are set forth in Enclosure D, *Definitions*, for your convenience. Also, several additional terms not defined in CERCLA are defined in Enclosure D. Those terms shall have the meaning set forth in Enclosure D any time such terms are used in this Information Request and/or its Enclosures.

Enclosure F

Information Requested

In answering the following questions, please refer to the enclosed interview summary, Site sketch, and aerial photographs of the Clearview Landfill.

1. On November 13, 2001, Mr. Conway indicated that from 1966 to approximately 1970, he assisted a dump truck driver in hauling waste from GE's Elmwood Avenue facility to the Clearview Landfill. Mr. Conway further indicated that the dump truck entered the landfill from Hook Road and drove to a spot approximately 100 feet south of Darby Creek. Although Mr. Conway stated that the disposal location was south of Darby Creek he marked a spot on the Site sketch to the west of Darby Creek. Please clarify the disposal location of GE's waste in relation to Darby Creek.
2. Aerial photographs from 1965 (Figure 6) and 1971 (Figure 7) show no evidence of either an entrance from Hook Road (highlighted yellow) or disposal in the area indicated by Mr. Conway in his November 13, 2001 interview (attached). Rather, aerial photographs reveal that disposal in the indicated location began after 1975 when both an entrance from Hook Road and disposal activity are visible. This activity can be seen most clearly in the 1979 aerial photograph (Figure 10). Please specify the years during which Mr. Conway actually disposed of GE's waste at the Clearview Landfill.
3. Aerial photographs show that some landfill activity was occurring in and prior to 1971 (Figure 7) on the west side of Darby Creek at the southern end of the Site next to Hook Road (highlighted yellow). Did Mr. Conway dispose of GE's waste in this location during the years 1966 to 1970?
4. Aerial photographs (Figures 6 and 7) further reveal the presence of a smaller creek, flowing along the eastern edge of the Site and rejoining Darby Creek in the Southeastern corner of the Site (highlighted pink). This creek was apparently filled in over time as part of the operations of the Clearview Landfill. Extensive landfilling activity is visible in 1965 to the west of this smaller creek and is in the same approximate area in relation to the smaller creek as the disposal activity described by Mr. Conway is in relation to Darby Creek. In light of the information provided above regarding years of actual disposal activity in the area described by Mr. Conway, is it possible that between 1966 and 1970 Mr. Conway actually disposed of GE's waste on the Clearview Landfill to the west of the smaller creek?
5. In the November 13, 2001 interview, Mr. Conway indicated that he observed bulldozers operating on the landfill to cover waste. Did Mr. Conway observe this bulldozing activity to the east of Darby Creek (i.e., across Darby Creek on the property currently referred to as the Clearview Landfill), or was such bulldozing

activity taking place in the area previously described by Mr. Conway and marked on the Site sketch as west of Darby Creek?

6. Was the disposal location previously described by Mr. Conway and marked on the Site sketch as west of Darby Creek part of the Clearview Landfill operations? On what facts or recollections does Mr. Conway base this conclusion?
7. Did Mr. Conway ever have any interactions with any individual(s) at the Site? Please name and describe the nature of the interaction with any such person(s).
8. Please highlight the entrance route and disposal location of GE's waste on the enclosed aerial photograph of the Site (Enclosure G).





FIGURE 7
CLEARVIEW LANDFILL

JULY 5, 1971

APPROX SCALE 1:



FIGURE 8
CLEARVIEW LANDFILL

MARCH 13, 1973

APPROX SCALE 1:5,000

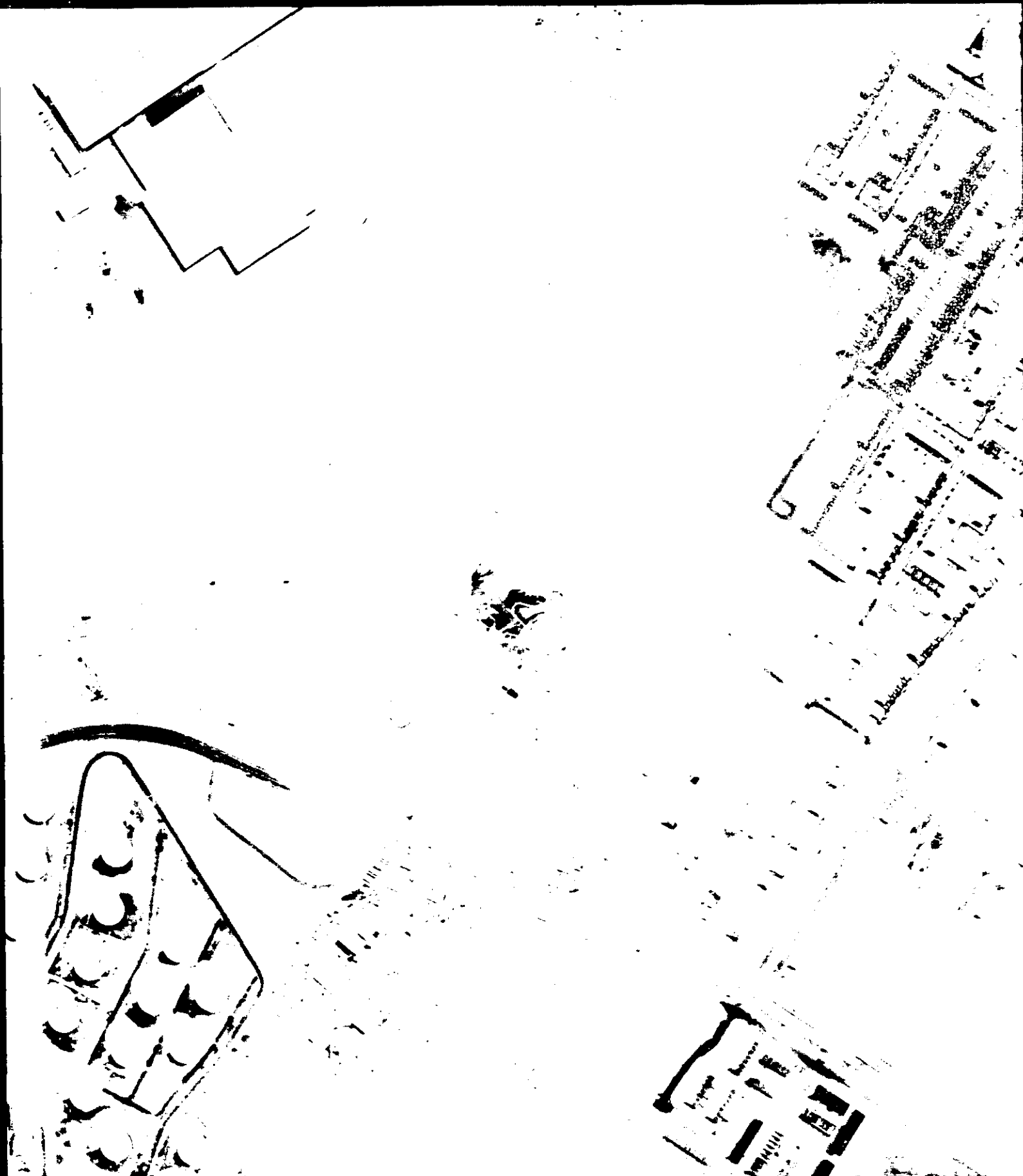


FIGURE 9
CLEARVIEW LANDFILL

APRIL 28, 1975

APPROX SCALE 1:5,200





FIGURE 10
CLEARVIEW LANDFILL

APRIL 29, 1979

APPROX SCALE 1 5,000

INTERVIEW SUMMARY
Work Assignment ES002
Lower Darby Creek Area Site

Richard Conway

Prepared for:

U.S. Environmental Protection Agency
Region III
Enforcement Support Services
Hazardous Site Cleanup Division
1650 Arch Street
Philadelphia, PA 19103

Prepared by:

DASTON Corporation
8245 Boone Boulevard
Suite 704
Vienna, VA 22182

Work Assignment Number:	ES002
Date Submitted:	November 23, 2001
Contract Number:	68-S3-01-01
EPA Work Assignment Manager:	Carlyn Winter Prisk
Telephone Number:	(215) 814-2625
DASTON Work Assignment Manager:	Eric D. Bailey
Telephone Number:	(215) 923-0899
Interviewer:	Michael McCloskey, Tri-State Enterprise

The WITNESS stated that he had been employed by GE at the plant known as the Elmwood Facility, located at 6901 Elmwood Avenue, Philadelphia, PA from 1966 to the present. The WITNESS stated that from 1966 to 1976 he worked in the salvage department. The WITNESS stated that the salvage department was responsible for separating metal and saving any metal that had value.

When asked to explain his involvement with transporting waste to the Clearview Landfill the WITNESS stated that from 1966 to about 1970 the GE Plant utilized an incinerator, known as the fire hole, to burn wood from shipping crates. The WITNESS stated that any wood that was too large to fit in the incinerator was transported to the Clearview Landfill. He indicated that because he was a junior employee at the time he was given the job of assisting the dump truck driver that transported the wood to Clearview.

The WITNESS stated that about one time each day he would assist the dump truck driver in loading the dump truck with wood and would ride with the dump truck driver to the Clearview Landfill and assist in disposing of the wood at the Landfill. The witness described the dump truck as small and estimated that the capacity was 12 cubic yards. He indicated that the truck would be covered with a tarp during the transportation of the wood to the Landfill.

pc Q#1 When asked to identify the location the this waste was disposed of on the attached map of the Clearview Landfill the WITNESS stated that he entered the Landfill from Hook Road and drove to a spot on the Landfill that was located approximately 100 feet south of Darby Creek. The WITNESS identified this location on the attached map.

When asked if he stopped at a shack upon entering, the WITNESS stated that there was no shack or area to stop at. When asked if anyone on the Landfill gave him or the dump truck driver a ticket or receipt for using the Landfill, the WITNESS stated "No".

When asked how GE was billed or charged for disposing of waste at the Clearview Landfill, the WITNESS stated that he did not know.

When asked if he observed any individuals working on the Landfill, the WITNESS stated that there was always a bulldozer operating on the Landfill to cover waste.

When asked the names of any Landfill employees, the WITNESS stated that he did not know the names of anyone who worked on the Landfill.

When asked if he had observed other trucks disposing of waste on the Clearview Landfill, the WITNESS stated that there was usually heavy truck traffic entering the Clearview Landfill, however he could not recall any names on these trucks. He indicated that most of the trucks he observed disposing of waste on the Landfill were dump trucks.

When asked the names of the dump truck drivers that transported waste from GE to the Clearview Landfill, the WITNESS provided the following.

When asked if the GE Elmwood Facility generated any liquid waste, the witness stated that the only liquid that he was aware of that was used at the GE Elmwood Facility was dashpot oil that was used in circuit breakers. He did not know if this oil was disposed of.

"I declare under penalty of perjury that the foregoing is true and correct."

Executed on _____ Signed _____
(Date) (Name)

Enclosure G



LOWER DARBY CREEK AREA SUPERFUND SITE Primary Investigation Areas - Clearview and Folcroft Landfills

Compiled from PASDA digital files (www.pasda.gov) and USEPA documents including:
 - 1990 Landowners BE, PA USGS Digital Ortho/Quadrant Quad used for horizontal control (PASDA)
 - Steven Corporation, Environmental Resources Research Institute, Harrisburg, PA 17004 (PASDA)
 - Landfill Locations, United States Environmental Protection Agency Documents

EPA REGION 3
 Environmental Protection Agency
 1600 Arch Street
 Philadelphia, Pennsylvania 19104-6000
 P 215-261-2000 F 215-261-2100

TETRA TECH
 ENGINEERS ARCHITECTS SCIENTISTS
 30 West Main Street
 Chambers, Pennsylvania 15729-1301
 P 800 735-7851 F 800 464-3444



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General Electric Company
c/o Steven T. Miano, Esq.
Wolf, Block, Schorr and Solis-Cohen
1650 Arch Street, 22nd Fl.
Philadelphia, PA 19103-2000

Re:
(End)
Total

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(Red)

Sent To

Street, Apt. No.,
or PO Box No.

City, State, ZIP+ 4

PS Form 3800, January 2001

See Reverse for Instructions